

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

5:04-CR-444

vs

FLOYD McMULLEN,

Defendant.

APPEARANCES:

OF COUNSEL:

FLOYD McMULLEN
Defendant, Pro Se
12211-052
FMC Devens
PO Box 879
Ayer, MA 01432

OFFICE OF THE FEDERAL PUBLIC
DEFENDER
Attorney for Defendant
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Syracuse, NY 13202

LISA A. PEEBLES, ESQ.

HON. GLENN T. SUDDABY
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Attorney for Government
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RANSOM P. REYNOLDS, III, ESQ.
Assistant U.S. Attorney

DAVID N. HURD
United States District Judge

ORDER

The Federal Bureau of Prisons Devens Medical Center located in Ayer, Massachusetts, recently submitted a report recommending Floyd McMullen be considered for release to the community under a structured regimen of care, pursuant to 18 U.S.C. §4243(f).

This Court orders Floyd McMullen released from the custody of the Federal Bureau of Prisons when an admission date becomes available for him at Florence House Community Residence, 209 East Florence Avenue, Syracuse New York. The Court further orders Floyd McMullen to comply with all of the specified conditions herein set forth:

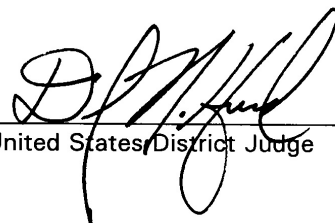
1. Mr. McMullen will reside at the Florence House Community Residence at 209 East Florence Avenue, Syracuse, New York 13205. Augustus Grissett is the Program Director and he can be reached at 315-492-1887. Any changes in residence must be approved through his United States Probation Officer.
2. While at the Florence House, Mr. McMullen shall participate in individual therapy, group therapy, medication management, case management, and treatment team meetings. Mr. McMullen will comply with treatment recommendations made by his probation officer or by the mental health professionals.
3. Mr. McMullen will be monitored by mental health professionals for evidence of psychiatric difficulties and will continue to take medication as ordered and which may be adjusted by his clinicians. His psychiatric treatment and medication management would be supervised by the Hutchings Psychiatric Center. This has been confirmed by Mr. David Donaghy, Outpatient Admissions Coordinator, at Hutchings Psychiatric Center. Mr. Donaghy can be reached at 315-426-5961. Once a release date is determined, Mr. Donaghy will schedule an appointment for Mr. McMullen. His projected case manager is Mr. Lewis King at Onondaga Case Management Services. Mr. King can be reached at 315-472-7363, ext.133.
4. Mr. McMullen will consent to have the Florence House be appointed his Representative Payee for his Social Security payments. If any changes in Representative Payee status are required, his United States Probation Officer should be notified.
5. Upon the recommendation of the medical provider or probation officer, Mr. McMullen will voluntarily admit himself into a hospital for treatment. If he refuses, involuntary state civil commitment procedures should be considered and a local or state hospital should be utilized if possible. If local or state facilities are unable to ensure the safety of others, the probation officer shall contact this court for further instructions and possible designation or return to federal custody.
6. Mr. McMullen will be supervised by the United States Probation Office, District of New York. His current United States Probation Officer is Ms. Lori Albright, who can be reached at 315-234-8716. This includes his voluntary consent to waive his rights to confidentiality regarding his mental health treatment in order to allow sharing of information with the supervising United States Probation Officer, who will assist in evaluating his ongoing appropriateness for community placement.
7. Pursuant to Title 18, United States Code, Section 4247(e), annual reports shall be filed by the probation office with the Court, with copies to the Assistant United States Attorney, Mr.

McMullen's Federal Public Defender, and the Warden of the Federal Medical Center Devens, Ayer, Massachusetts.

8. Mr. McMullen will remain under the supervision of the United States Probation Office until he is discharged from all mental health treatment and/or his federal civil commitment. The primary treatment provider may be changed with the approval of the United States Probation Office.
9. That he not have in his possession at any time any actual or imitation firearm, destructive device or other deadly weapon. He shall submit to a search without a warrant at the request of a probation officer or any law enforcement officer of his person, property including vehicle or premises for the purpose of determining compliance with this condition. Revocation of conditional release is mandatory for possession of a firearm.
10. That he abstain from the use of alcohol, illegal narcotic substances or drugs. He shall not frequent places where alcohol or illegal drugs are known to be the primary place of possession, manufacture or distribution.
11. Mr. Floyd McMullen will have a substance abuse assessment completed through the Florence House and/or an agency approved through United States Probation. He may be required to submit to testing for use of drugs and alcohol at the direction of the Florence House and/or his Probation Officer. He will voluntarily waive his rights for communication between all agencies involved with his substance abuse monitoring or treatment.
12. The United States Marshals Service shall be notified to return Mr. McMullen to the custody of the Attorney General if the Court determines that any of the conditions have been violated.
13. Mr. McMullen shall comply with the other standard conditions of release as proposed by the United States Probation Office.

IT IS SO ORDERED.

Dated: May 28, 2008
Utica, New York.


United States District Judge